

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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for November 26, 2003 PLANNING COMMISSION MEETING

**P.A.S.:** Use Permit #142A

**PROPOSAL:** To expand the boundaries of the Eagle Crest Use Permit to develop a lot for a restaurant.

**LOCATION:** 84<sup>th</sup> and Holdrege Streets.

**LAND AREA:** 3.9 acres, more or less.

**CONCLUSION:** In Conformance with the Comprehensive Plan, Zoning and Subdivision Ordinances.

<b>RECOMMENDATION:</b>	Conditional Approval
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### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 2 and a portion of Lot 1, Block 1 Eagle Crest Addition.

**EXISTING ZONING:** O-3, Office Park

**EXISTING LAND USE:** Bank and undeveloped.

### **SURROUNDING LAND USE AND ZONING:**

North:	Undeveloped	O-3, Office Park
South:	Undeveloped	R-3, Residential
East:	Agriculture and Church	AG, Agricultural
West:	Commercial and Undeveloped	B-2, Planned Business

**ASSOCIATED APPLICATIONS:** Special Permit #2040

**COMPREHENSIVE PLAN SPECIFICATIONS:** This area is shown as Commercial in the Comprehensive Plan. (F-25)

**HISTORY:** Use Permit #124, Eagle Crest for a 5,000 square foot bank, was approved by Planning Commission on **December 12, 2001.**

City Council approved Preliminary Plat #00006, Special Permit #1839, Use Permit #128,

and Change of Zone #3255 for Morning Glory Estates to the north of Holdrege Street was approved by the City Council on **July 30, 2001**.

City Council approved Preliminary Plat #00026 and Special Permit 1881, Eagle View Community unit Plan for 12 dwelling units south of this area on **April 9, 2001**.

City Council approved Change of Zone #3171 from AG, Agricultural to O-3, Office Park and R-3, Residential in the area of this use permit on **September 20, 1999**.

City Council denied Special Permit #1370, Sunrise Hills 3<sup>rd</sup> Addition Community Unit Plan for 15 single family units, 36 multi-family units, two outlots and a church on the area and adjacent area of this use permit on **July 30, 1990**.

City Council approved Special Permit #1311, Sunrise Estates Community Unit Plan for 28 dwelling units to the south and east of this site on **July 31, 1989**.

The area was zoned A-A, Rural and Public Use District until it was updated to AG, Agricultural in **1979**.

**TRAFFIC ANALYSIS:** N. 84<sup>th</sup> Street is classified as an Urban/rural principal arterial in the Functional Street and Road Classification in the Comprehensive Plan.

Eagle Crest Road is classified as a local street in the Functional Street and Road Classification in the Comprehensive Plan.

**ANALYSIS:**

1. This is a request to expand the existing use permit to include a lot for a restaurant. This request does not include the rural fire station.
2. There are no waivers needed or requested.
3. Parking lot screening is required adjacent all public streets and private roadways. The landscape plan does not show this screening and must be approved before the plan is approved. In lieu of showing the screening at this time, the developer may add a note to the site plan indicating that all landscaping and screening shall meet design standards and will be shown at the time of building permit. Additionally, the landscape plan must reflect the entire use permit area, including existing areas as they were approved.
4. A final plat is in process to split the rural fire station lot into two parcels, one for the proposed restaurant and another for the fire station. If the plat is completed prior to the final approval of this special permit, legal descriptions must be updated to reflect the newly created lot on which the special permit for restaurant is located.

1. The Watershed Management indicated that the detention facility must slope a minimum of 2% toward the outlet by code. This must be revised to meet code.
2. The Public Works and Utilities Department had several comments, which are explained in their attached memo. Additional right-of-way must be dedicated, sidewalks must be shown as 5', the location of the trash enclosure better explained or relocated, and the eastern drive access relocated to the satisfaction of the Public Works and Utilities Department.

**CONDITIONS:**

Site Specific:

1. This approval permits a restaurant in the O-3, Office Park district.

General:

2. Before receiving building permits:
  - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.
    - 2.1.1 A revised site plan including 7 copies showing the following revisions:
      - 2.1.1.1 Show all required screening and landscaping or add a note to the landscape plan indicating that all landscaping and screening shall meet design standards and will be shown at the time of building permit.
      - 2.1.1.2 Combine the building floor area into one number on the building.
      - 2.1.1.3 Make it clear on the site plan which is the area of the special permit, versus the use permit.
      - 2.1.1.4 If the plat is completed prior to the final approval of this special permit, legal descriptions must be updated to reflect the newly created lot on which the special permit for restaurant is located.
      - 2.1.1.4 Revise the detention facility to the satisfaction of the Watershed Management Department.

- 2.1.1.5 Make revisions to the satisfaction of the Public Works and Utilities Department.
  - 2.1.1.6 Correct the spelling error in the plant material table.
- 2.2 The construction plans comply with the approved plans.
- 2.3 Final plat(s) is/are approved by the City.
- 2.4 The required easements as shown on the site plan are recorded with the Register of Deeds.

STANDARD CONDITIONS:

- 3. The following conditions are applicable to all requests:
  - 3.1 Before occupying this restaurant all development and construction is to comply with the approved plans.
  - 3.2 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the owner or an appropriately established homeowners association approved by the City.
  - 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.
- 4. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by

Becky Horner  
Planner

**DATE:** November 14, 2003

**APPLICANT:** Cutchall Management Company  
14353 Q Street  
Omaha, NE 68137

**OWNER:** Southeast Rural Fire Protection District  
11300 Pioneers Boulevard  
Walton, NE 68461

**CONTACT:** Tim Gergen  
Olsson Associates  
1111 Lincoln Mall  
Lincoln, NE 68508  
(402)474-6311



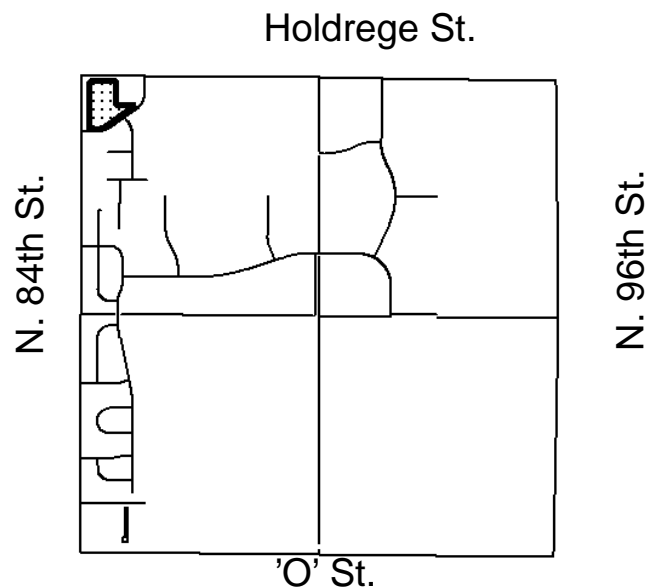
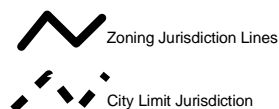
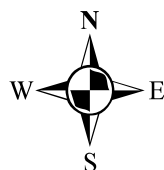
2002 aerial

## Use Permit #142A N. 84th & Holdrege St.

### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 23 T10N R7E







**OLSSON ASSOCIATES**  
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

16 October 2003

Mr. Marvin Krout, Planning Director  
Lincoln-Lancaster County Planning Department  
555 South 10<sup>th</sup> Street, Room 213  
Lincoln, NE 68508

Re: Sonic Restaurant  
North 84<sup>th</sup> & Holdrege Street  
Special Permit  
OA Project No. 2003-0485

Dear Mr. Krout:

Enclosed find the following revised drawing for the above-mentioned project:

1. Site Plan, Sheet 1 of 3 (21 copies)
2. Grading & Drainage Plan, Sheet 2 of 3 (8 copies)
3. Landscape Plan, Sheet 3 of 3 (6 copies)
4. City of Lincoln Zoning Application
5. Ownership Certificate
6. Application Fee (\$740.00)

On behalf of the Developer, Cutchall Management Co., 14353 Q Street, Omaha, NE. 68137 we are requesting a special permit use in an O-3 zoning. No waivers of the design standards are being requested.

Please call, if you require further information or have any questions.

Sincerely,

Tim Gergen, P.E.

Enclosures

cc Greg Cutchall, Cutchall Management Co.

Stamp: OCT 16 2003  
Stamp: [illegible]



# Memorandum

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<b>To:</b>	Becky Horner, Planning Department
<b>From:</b>	Chad Blahak, Public Works and Utilities
<b>Subject:</b>	Sonic Restaurant Special Permit #2040
<b>Date:</b>	11/10/03
<b>cc:</b>	Randy Hoskins

Engineering Services has reviewed the submitted Special Permit #2040 for Sonic, located at the southeast corner of 84th Street and Holdrege Street, and has the following comments:

- In note #7, reference is made to a 4' sidewalk along 84th Street and Holdrege Street. This needs to be changed to 5' sidewalk.
- The eastern most driveway for the fire station that accesses Holdrege Street needs to be relocated to take access off of Eagle Crest Road.
- As per the approved Comprehensive Plan, additional right of way should be dedicated to equal at least 65' south of the Holdrege Street centerline for a distance of 700' east of 84th Street.
- The sidewalk along 84th Street and Holdrege Street needs to be shown. Additional right of way may need to be shown at the intersection of 84th and Holdrege to accommodate the sidewalks.
- The trash enclosure is shown on a 3:1 slope. If a retaining wall is intended it needs to be shown on the plans. If a wall is not intended an alternate location for the trash enclosure needs to be shown.

INTER-DEPARTMENT COMMUNICATION



**DATE:** October 28, 2003  
**TO:** Becky Horner, City Planning  
**FROM:** Sharon Theobald  
Ext. 7640  
**SUBJECT:** DEDICATED EASEMENT - Special Permit #2040  
DN # 14N-84E

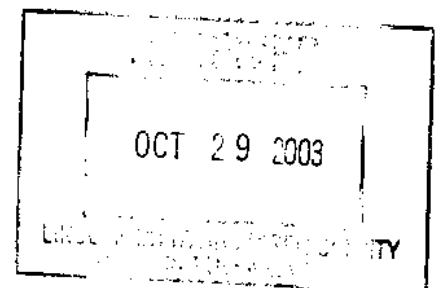
Attached is the Site Plan for Sonic Restaurant.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will not require any additional easements.

*Sharon Theobald*

ST/ss  
Attachment  
c: Terry Wiebke  
Easement File



**Richard J Furasek**

To: Rebecca D Horner/Notes@Notes

10/27/2003 12:01 PM

cc:  
Subject: Sonic

Upon review of special permit # 2040, we find it acceptable from the perspective of our department.

Richard J. Furasek  
Assistant Chief Operations  
Lincoln Fire & Rescue  
1801 Q Street  
Lincoln Ne. 68508  
Office 402-441-8354  
Fax 402-441-8292

message to Becky Horner



**UTILITIES DEPARTMENT**

**PUBLIC WORKS AND**



***MEMORANDUM***

**Date**

**To**

**From**

**Subject**

November 3, 2003

Becky Horner  
Ben Higgins, Dennis Bartels

Devin Biesecker

*Van Dorn Acres Addition*

Below are Watershed Management's comments on Special Permit for Sonic. Comments are based on a two sheet plan set stamped Oct 20, 2003 by the Planning Department.

1. The bottom of the detention facility must slope a minimum of 2% toward the outlet as stated in the City of Lincoln Drainage Criteria Manual, Section 6.4.4.2. This will aid in preventing standing water and allow for maintenance of the facility bottom.